

REMARKS

The examiner imposed a Restriction Requirement in the parent application (U.S. Serial No. 10/117,709) as follows: Group I: Claims 1-38, Group II: Claims 39-43, Group III: Claim 44, and Group IV: Claim 45. Group I was stated to contain two different species as follows: Species 1: antibiotic tetracycline compounds, and Species 2: non-antibiotic tetracycline compounds. Group I, Species 2, was elected in the parent.

Originally, the present application was filed as a divisional application to prosecute Group I, Species 2. In the preliminary amendment, filed along with the application, Claims 3-22, 37 and 39-45 were cancelled as being directed to non-elected subject matter.

During a telephone discussion on May 20, 2005 between Dr. Irving Feit and Examiner Thurman Page regarding the parent application (U.S. Serial No. 10/117,709), Examiner Page indicated that Group I, Species 2, would be reinstated in the parent application.

Thus, the divisional application to prosecute Group I, Species 2, is not necessary. Accordingly, applicant now converts the present application to continuation application. The specification has been amended to reflect such conversion.

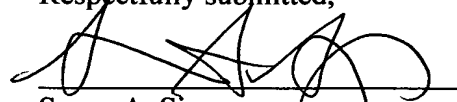
Claims 3-22, 37 and 39-45 were previously cancelled. New claims 46-64 have been added, and contain the same subject matter as previously cancelled Claims 3-22. Accordingly, Claims 1, 2, 23-29, 32, 34, 36, 38 and 46-64 are pending.

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Serial No.: 10/757,656
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Second Preliminary Amendment

Applicant respectfully submits that this application is in condition for examination and favorable consideration, which action is earnestly solicited. If the examiner has any questions concerning any aspect of this application, it is requested that the examiner contact applicant's attorney at the telephone number provided below.

Respectfully submitted,



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